IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 12818 of 2004

Between:

M/s. Varm Power Projects Pvt Ltd., 8-4-120/3, Raja Complex, G.T. Road, Srikakulam, rep. by Director P.S.N. Benarji .

..... PETITIONER

AND

1. Transmission Corporation of Andhra Pradesh Ltd., Vidyut Soudha, Hyderabad, rep by. Chairman & Managing Director
2. Andhra Pradesh Electricity Regulatory Commission, Singareni Bhavan, Red Hills, Hyderabad rep by.its' Secretary .

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, order or direction more particularly one in the nature of Mandamus declaring the action of the 2nd respondent in initiating proceedings and issuing the order/directions in Letter No. APERC/Secy/Dir(Engg)/DD(Tr)/F-PPA/D.No. 2739/2003 dated 18-8-2003/15-11-2003 and the consequential action of the 1st respondent in Letter FA&CCA/A&E/SAO/PP&S/D.NO. 651/04 dated 26-06-2004 in deducting the amount for the alleged quantum of Excess energy delivered above 100% PLF during each 30 minutes time block for the months from December, 2003 to May 2004 as illegal and contrary to law and to set a side the same and consequently directing the 1st respondent to purchase and pay for all the energy delivered from the power project of the petitioner to the 1st Respondent as per the existing power purchase agreement between the 1st respondent and the petitioner without any limitation.

Counsel for the Petitioner: MR.B.ADINARAYANA RAO

For the Respondent No.1: S.C. for A.P.TRANSCO.

For the Respondent No.2.: Mr.P.Sri Raghuram, Advocate.

The Court made the following:

THE HONOURABLE SRI JUSTICE B. PRAKASH RAO

WRIT PETITION NO. 12818 OF 2004

ORDER:-

Learned counsel for the petitioner sought permission to withdrawn the writ petition. Permission is accorded.

Accordingly, this writ petition is dismissed as withdrawn.

10—08—2004.

Note:

Issue C.C by tomorrow.

Stv/-

To

1. The Chairman & Managing Director, Transmission Corporation of Andhra Pradesh Ltd., Vidyut Soudha, Hyderabad.

2. The Secretary, Andhra Pradesh Electricity Regulatory Commission, Singareni Bhavan, Red Hills, Hyderabad.

3. Two CD copies.

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO :12818 of 2004

DATE:10th AUGUST, 2004